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19 Attorneys for Plaintiffs  
20 MMR GROUP, INC., MMR POWER SOLUTIONS, LLC and  
21 SOUTHWESTERN POWER GROUP II, LLC

22 **UNITED STATES DISTRICT COURT**  
23 **NORTHERN DISTRICT OF CALIFORNIA**  
24 **SAN FRANCISCO DIVISION**

25 MMR GROUP, INC.;  
26 MMR POWER SOLUTIONS, LLC; and  
27 SOUTHWESTERN POWER GROUP II, LLC,

28 Plaintiffs,

vs.

STA DEVELOPMENT, LLC f/k/a SOLAR  
MILLENNIUM, LLC, a California limited  
liability company; SOLAR TRUST OF  
AMERICA, LLC, a Delaware limited liability  
company; SOLAR MILLENNIUM AG, a foreign  
corporation; SOLAR MILLENNIUM, INC., a  
Delaware corporation; CA I-10 SOLAR, LLC, a  
California limited liability company; PALO  
VERDE SOLAR I, LLC, a Delaware limited  
liability company; PALO VERDE SOLAR II,  
LLC, a Delaware limited liability company;  
BLYTHE SOLAR POWER PROJECT UNIT 1,  
LLC, a Delaware limited liability company;

Case No. 3:11-cv-01521-EMC

**DECLARATION OF NICHOLAS A.  
MERRELL IN SUPPORT OF  
MOTION FOR LEAVE TO AMEND  
COMPLAINT**

**The Honorable Edward M. Chen**

DATE: October 7, 2011  
TIME: 1:30 p.m.  
COURTROOM NO. 5

1 BLYTHE SOLAR POWER PROJECT UNIT 2,  
 2 LLC, a Delaware limited liability company;  
 3 BLYTHE SOLAR POWER PROJECT UNIT 3,  
 4 LLC, a Delaware limited liability company; and  
 5 BLYTHE SOLAR POWER PROJECT UNIT 4,  
 6 LLC, a Delaware limited liability company.

Defendants.

7 I, Nicholas A. Merrell, declare:

8 1. As an associate with the law firm Watt, Tieder, Hoffar & Fitzgerald, L.L.P., I  
 9 represent Plaintiffs MMR Group, Inc., MMR Power Solutions, LLC and Southwestern Power  
 10 Group II, LLC (collectively "MMR") in this lawsuit.

11 2. I make this declaration from personal knowledge, and if called to testify before  
 12 this Court, I would and could competently testify.

13 3. A true and correct copy of MMR's proposed First Amended Complaint is attached  
 14 hereto as Exhibit "A."

15 4. The documents attached below are documents or information I personally found  
 16 by searching the internet.

17 5. Attached hereto as Exhibit "B" is a true and correct copy of a July 8, 2010  
 18 resolution of the California Public Utilities Commission, which evidences a power purchase  
 19 agreement between Southern California Edison and CA I-10 Solar, LLC.

20 6. Attached hereto as Exhibit "C" is a true and correct copy of a July 8, 2010 report  
 21 from the California Independent System Operator Corporation ("CAISO") regarding a power  
 22 purchase agreement with Southern California Edison, Solar Millennium, LLC and Chevron  
 23 Energy Solutions Company.

24 7. Attached hereto as Exhibit "D" is a true and correct copy of a Limited Liability  
 25 Company Certificate of Amendment from the California Secretary of State evidencing that Solar  
 26 Millennium, LLC changed its name to STA Development, LLC on June 22, 2011.

27 8. Attached hereto as Exhibit "E" is a true and correct copy of pertinent portions of a  
 28 CAISO application to the Federal Energy Regulatory Commission dated December 8, 2010.

9. Attached hereto as Exhibit "F" is a true and correct copy of a print-out from the

1 Solar Trust of America, LLC website indicating that Uwe Schmidt holds executive positions in  
2 both Solar Trust of America, LLC and STA Development, LLC f/k/a Solar Millennium, LLC.

3 10. Attached hereto as Exhibit "G" is a true and correct copy of a print-out from the  
4 Solar Trust of America, LLC website indicating that Solar Trust of America's address is 1111  
5 Broadway, 5th Floor, Oakland, CA 94607.

6 11. Attached hereto as Exhibit "H" is a true and correct copy of a print-out from the  
7 California Secretary of State website for STA Development, LLC.

8 12. Attached hereto as Exhibit "I" is a true and correct copy of print-outs from the  
9 California Secretary of State website for Blythe Solar Power Project Unit 1, LLC, Blythe Solar  
10 Power Project Unit 2, LLC, Blythe Solar Power Project Unit 3, LLC and Blythe Solar Power  
11 Project Unit 4, LLC.

12 13. Attached hereto as Exhibit "J" is a true and correct copy of print-outs from the  
13 California Secretary of State website for Palo Verde Solar I, LLC and Palo Verde Solar II, LLC.

14 14. The parties have not met and conferred pursuant to Rule 26 of the Federal Rules of  
15 Civil Procedure.

16 15. No discovery has been propounded or otherwise conducted.

17  
18 I declare under penalty of perjury of the laws of the United States of America that the  
19 foregoing is true and correct.

20 Dated: August 29, 2011

21   
22 Nicholas A. Merrell